

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 14-54351

AMY ROSENFELD,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING DEBTOR'S MOTION "TO WITHDRAW NAMED CREDITOR"
AND RELATED MOTION FOR EXPEDITED HEARING**

This case is before the Court on two motions: (1) Debtor's motion entitled "Petition to Withdraw Named Creditor" (Docket # 36, the "Debtor's Motion"); and (2) the ex parte motion for an expedited hearing on the Motion, filed by Debtor's ex-husband Joel Rosenfeld (Docket # 39, the "Expedited Hearing Motion"). The Debtor's Motion "seeks to strike Joel Rosenfeld as a creditor and allow for the determination [of whether Joel Rosenfeld is a creditor of Debtor], if necessary, by the Oakland County Circuit Court." Debtor listed Joel Rosenfeld as a creditor on her Amended Schedule F, filed November 4, 2014 (Docket # 19).

The Court concludes that a hearing on the Debtor's Motion is not necessary, and that the Motion should be denied, because there is no valid basis for the relief sought, given the procedural posture of this bankruptcy case at this time.

If Debtor wishes to try to undo what she did when she amended her Schedule F to add Joel Rosenfeld as a scheduled creditor, Debtor can and should simply file another amended Schedule F that does not list Joel Rosenfeld as a creditor, or that lists Mr. Rosenfeld's claim as disputed. But, of course, merely filing an amended Schedule F will not constitute any determination by this Court that Joel Rosenberg is not a creditor of the Debtor, or that Joel Rosenberg has no valid claim against the Debtor. That issue is not properly before this Court at this time. The proper procedure by which this Court would determine that issue is either (1) if and when Joel Rosenberg files a proof of claim in this case (which is presently still a "no asset" case, so that there is not yet any deadline for creditors to file a proof of claim,) by Debtor filing an objection to that claim; or (2) if and when Joel Rosenberg files an adversary proceeding under 11 U.S.C. § 727(a) or 11 U.S.C. § 523(a), by Debtor properly disputing the debt Joel Rosenfeld claims he is owed in the context of that adversary proceeding. At present, however, the issue is not ripe for determination by this Court, because no proof of claim has been filed by Joel Rosenfeld, and no adversary proceeding has been filed by Joel Rosenfeld.

To the extent the Debtor wishes to litigate divorce-related disputes she has with Joel Rosenfeld in state court, Debtor may file a motion seeking relief from stay to do that, if Debtor believes stay-relief is necessary. *See generally* 11 U.S.C. § 362(b)(2).

And finally, the Debtor's Motion does not seek reconsideration of or relief from the

Court's December 11, 2014 Order (Docket # 27), entitled "Order Directing Debtor to Appear for Examination by Creditor Joel Rosenfeld," and there is no apparent basis for granting Debtor any relief from that Order.

For these reasons, Debtor's Motion will be denied. That ruling makes Joel Rosenfeld's Expedited Hearing Motion (Docket # 39) moot.

Accordingly,

IT IS ORDERED that:

1. The Debtor's Motion (Docket # 36) is denied.
2. The Expedited Hearing Motion (Docket # 39) is denied, as moot.

Signed on January 08, 2015

/s/ **Thomas J. Tucker**
Thomas J. Tucker
United States Bankruptcy Judge